



Southern
Environmental
Law Center

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RCVD EPA REGION 4
March 22, 2011

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EXPENSE DUE:

INFORMATION OFFICE

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OTHER

FOIA Specialist

Environmental Protection Agency, Region 4

Atlanta Federal Center

61 Forsyth St., S.W.

Atlanta, GA 30303-8960

Re: Freedom of Information Act Request – NPDES permit ALR040000

To Whom It May Concern:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, the Southern Environmental Law Center ("SELC") requests all documents in the possession or control of the Fish and Wildlife Service ("FWS") that relate to the National Pollutant Discharge Elimination System Permit ("NPDES") General Permit No. ALR040000 ("General Permit") issued by the Alabama Department of Environmental Management ("ADEM") on January 31, 2011. This General Permit regulates all discharges of storm water from small municipal separate storm sewer systems ("MS4s") within the State of Alabama.

These documents are to include, but are not limited to:

- 1) Any documents regarding the designation, discussion or formation of Permit ALR040000;
- 2) Any documents regarding storm water from MS4s in Alabama;
- 3) Any written or electronic correspondence concerning Permit ALR040000 or storm water from MS4s;
- 4) Any written or electronic minutes from meetings concerning Permit ALR040000 or storm water from MS4s.

For the purposes of this request, the term "documents" includes all written, printed, recorded or electronic materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages and mail in the possession or control of EPA.

SELC is requesting photocopies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. McClellan Ecological Seepage Situation v. Carlucci, 835 F.2d 1282, 1284

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(9th Cir. 1987); Pederson v. Resolution Trust Corp., 847 F. Supp. 851, 855 (D.Colo.1994); Etlinger v. FBI, 596 F. Supp 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers...." Pederson, 847 F. Supp. at 855.

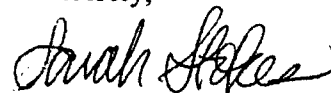
SELC is a 501(c)(3) non-profit organization with almost 25 years of experience disseminating public information regarding U.S. regulatory and operational issues. See 5 U.S.C. § 552 (a)(4)(A)(iii). SELC maintains a website that includes both general and topic-specific information regarding the matters with which SELC is involved. For example, SELC frequently publishes reports and issues press releases regarding its projects (See e.g., "Clean Air for the Birmingham Area", http://www.southernenvironment.org/uploads/publications/BAR_0909_Final.pdf, and "Four Environmental Groups Seek to Defend Greenhouse Gas Rule in Court" http://www.southernenvironment.org/newsroom/press_releases/tailoring_rule_motion_to_intervene/. Lawyers at SELC are routinely interviewed by the media to explain their work and its significance. (See, e.g., "Freeze on Offshore Drilling was Verbal Order," NPR, May 25, 2005, <http://www.npr.org/templates/story/story.php?storyId=127114044> .) SELC's website contains documents generated by SELC for the specific purpose of educating the public on particular issues. (See e.g., "Alabama Water Agenda; Guiding the Way to Healthy Waters" http://www.southernenvironment.org/uploads/publications/al_water_agenda_jan07.pdf .) SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites.

All of this information is available for free to any interested member of the public. SELC staff members also educate the public by speaking at conferences and other public meetings about environmental and natural resource issues in the Southeast. A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and of potential or proposed major policy incentives. SELC further certifies that disclosure of the information sought is not primarily in the commercial interest of the requester.

Should SELC's request for reduced or waived fees be denied, SELC is prepared to bear the reasonable duplication and search costs necessary to fulfill this request. However, I request you contact me before processing this request if the fee is expected to be in excess of \$50. SELC reserves its right to appeal a fee waiver or reduction denial.

If you have any questions regarding this request, please feel free to call me at 205-745-3060. Thank you for your prompt attention to this matter. We look forward to receiving the public records requested.

Sincerely,



Sarah Stokes



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 4, 2011

OFFICE OF
ENVIRONMENTAL INFORMATION

Ms. Sarah Stokes
Southern Environmental Law Center
2829 2nd Avenue South, Suite 282
Birmingham, AL 35233-2838

RE: Request Number: 04-FOI-00407-11

Dear Ms. Stokes:

This is in response to your request for a fee waiver in connection with your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA) Region 4 seeking records regarding NPDES permit ALR040000.

We have reviewed your fee waiver justification and based on the information you provided, we are granting your request for a fee waiver. However, the fee waiver does not include a waiver of fees for otherwise publically available records. Region 4 will be responding to your information request.

If you have any questions concerning this please contact me at (202) 566-1667.

Sincerely,

Larry F. Gottesman
for Larry F. Gottesman
National FOIA Officer